

REMARKS

Claims 1-2, 8-10, 12-13, 15-16, and 21 are currently pending in the application. Only claims 1 and 15 are in independent form.

Applicants express their gratitude for courtesies extended by the Examiner during a telephonic interview with Applicants' representative Amy E. Rinaldo conducted September 20, 2005.

Claims 1, 8-17 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ashcraft patent in view of the Martucci patent. Reconsideration of the rejection under 35 U.S.C. §103(a), as being unpatentable over the Ashcraft patent, as applied to the claims is respectfully requested.

The Office Action has held that the Ashcraft patent discloses the recited hose assembly comprising an inner jacket, where it is disclosed in column 4, lines 50-57, that the spacers, which form the compartments can be formed integral with the inner jacket, the combination of layers forms the inner layer with compartments, where the compartments provide means to carry fluids therethrough, and the layer is made of a polymeric polyamide material, an outer layer is provided outside of the inner jacket and can also be formed with many different types of polyamides listed in the patent, as well as extra layers, couplings are provided at the ends, additives can be provided to the inner layers to make the layers conductive, and a method of making such a hose is also given including extrusion. As stated in the Office Action, the inner layer requires spaces to form compartments. The compartments as shown in the figures, and as stated in the Office Action, require several layers to form the multiple compartments. The innermost layer does not have multiple compartments but is instead a single compartment. In contradistinction, the presently pending independent claims recite a tubular first layer containing therein multiple compartment means for carrying fluids. The first layer itself has multiple compartments therein and is made of a polymeric fluorocarbon material. A jacket is

disposed thereover. There is no recitation of multiple layers, or lamination for creating the compartments as disclosed in the Ashcroft patent. It is therefore respectfully submitted that the Ashcroft patent does not disclose the hose assembly of the presently pending independent claims.

The Office Action states that the Martucci patent discloses the recited hose for use in an automobile comprising forming the first layer of a fluorocarbon. The Office Action concludes that the Martucci patent discloses all of the recited structure with the exception of providing a plurality of compartments in the first layer. It is acknowledged that the use of a fluorocarbon as the inner liner of a hose assembly for a fuel system is known to those of skill in the art. However, the compartmentalization of such a hose assembly is not known to those of skill in the art, and in fact, is counter-intuitive. A primary problem with hose assemblies in a fuel system is that multiple fluids need to be transported to the same place. Presently pending independent claims overcomes this problem by enabling the polymeric fluorocarbon hose assembly to include compartments therein. This is a substantial benefit over the prior art systems, which only enabled one type of fluid to flow therethrough. There is no disclosure in the prior art of the Martucci patent for the need for or how to accomplish such compartmentalization in a fuel hose assembly.

Additionally, there is no teaching or suggestion in either reference for the combination of references. It is respectfully submitted that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion, or motivation to do so, found either explicitly or implicitly, in the references themselves, or in the knowledge generally available to one of ordinary skill in the art. "The test for implicit showing is that the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole, would have suggested to one of ordinary skill in the art." In re Kotzab, 217 F.3d 1365 (Fed. Cir. 2000). The mere fact that references can be combined or modified does not render the result and combination obvious unless the prior art suggests the desirability of the combination.

In re Mills, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). “When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there was a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See e.g. McGinley v. Franklin Sports, Inc., 262 F.3d 1339, 1351-1352, 60 USPQ 2d 1001, 1008 (Fed. Cir. 2001) “The central question is whether there is a reason to combine the references,’ a question of fact drawing on the Graham factors.” Okajima v. Bourdeau, 261 F.3d 1350, 59 USPQ 2d 1795 (Fed. Cir. 2001). In the present rejection, not only is it unobvious to combine the references, it is not suggested by the prior art. Specifically, one of skill in the art would never look to non-fuel hose art for overcoming the problems disclosed in the present application. The non-fuel hose art does not consider issues such as fuel permeation and/or kink resistance to avoid static buildup, etc. Additionally, there is a significant time span between the filing dates of the two patents. If it was obvious to have combined the two references, there would be some suggestion in one of the patents for such a combination. The lack of such a suggestion indicates that there was no consideration or suggestion for such a combination. Thus, the combination of references is improper.

Since neither the Martucci nor the Ashcroft patent alone, or in combination, suggest the combination of references, nor disclose the hose assembly of the presently pending independent claims, the claims are patentable over the cited prior art and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.



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In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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